

## REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application and for the courteous telephone interviews conducted on October 2 and October 11, 2007. In connection with the telephone interviews, the Examiner had reviewed a draft of the Declaration of Giovanni Predieri. During the telephone interviews, applicant outlined the substance of the Declaration and also the proposed amendments to claim 26 and how proposed claim 26 defined over the applied art. At the conclusion of the October 11 interview, the Examiner indicated the allowability of claim 26 as it has now been amended, along with claim 27. It was also agreed that claim 30 would be amended in a corresponding fashion to claim 26 and that claims 30-32 would then also be allowed. Applicant is also enclosing herewith the Declaration of Giovanni Predieri, which describes the dramatic and surprising benefits of the present invention over the prior art. Also, please take note that Prof. Predieri is an in-law of Antonio Ciribolla, an inventor of the present application.

In summary, it was agreed that applicant would submit the Declaration of Dr. Predieri and would amend claims 26 and 30 as they have now been amended and that the Examiner would then allow claims 26-27 and 30-32.

With respect to claims 33-39, it is submitted that these claims are directed to a different invention and should be restricted out. The claims to be issued (26-27 and 30-32) are directed to bivalent metals, while claims 33-39 are directed to trivalent metals. Clearly claims 33-39 should be restricted out. Applicant hereby requests the Examiner to issue a restriction requirement accordingly and in response thereto, applicant elects the invention of claims 26-27, 30-32, and applicant hereby authorizes the Examiner to cancel claims 33-39 via Examiner's Amendment as directed to a non-elected invention.

If any additional fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. BUG5-37891.

Respectfully submitted,  
PEARNE & GORDON LLP

By:   
John P. Murtaugh, Reg. No. 34226

1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, Ohio 44114-3108  
Phone: (216) 579-1700 Fax: (216) 579-6073

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